

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION

UNITED STATES OF AMERICA : Criminal Action No.

v. : PWG 17-00577

CARLOS DEANGELO BELL, : Greenbelt, Maryland

Defendant. : Tuesday, March 27, 2018

/ 9:07 A.M.

TRANSCRIPT OF SENTENCING PROCEEDINGS
BEFORE THE HONORABLE PAUL W. GRIMM
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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COMPUTER-AIDED TRANSCRIPTION OF STENOTYPE NOTES

P-R-O-C-E-E-D-I-N-G-S

MR. HAGAN: Calling Case Number PWG 17-577, United States of America versus Carlos DeAngelo Bell.

Timothy Hagan on behalf of the United States. I'm joined at counsel table by Special Agent from HSI, Augustus Aquino, as well as Detective Sergeant William Jenkins from the Maryland State Police. Good morning.

THE COURT: All right. Good morning.

And on behalf of the defendant, sir?

MR. CRAWFORD: Good morning, Your Honor. James Crawford, Junior on behalf of Mr. Bell.

THE COURT: All right. Have a seat please.

We were last here in court on January 23rd of this year and at that time the defendant, Mr. Bell, pleaded guilty to Counts One through Ten of the Indictment pending against him. Each of those counts alleged production of child pornography under 18 U.S. Code Section 2251(a) and (e) for which each count bore a mandatory minimum period of imprisonment of 15 years to a maximum period of imprisonment of 30 years, and a fine not to exceed \$250,000, a \$100 special assessment and also a period of supervised release.

The plea was pursuant to a written Plea Agreement that was dated January 18th of 2018. At the time that the plea was taken and accepted, I directed that the probation department prepare a Presentence Report, which they did and that report was

1 dated January 28th, 2018.

2 Mr. Crawford, can you confirm that you have reviewed
3 the expedited Presentence Report prepared by the probation
4 department, sir?

5 MR. CRAWFORD: Your Honor, we have and I can say to
6 the Court there are no substantive additions, corrections or
7 modifications. Maybe some issues to discuss, but nothing --

8 THE COURT: Nothing that would effect the actual
9 imposition of the sentence. There may be matters that you'll
10 raise in terms of your remarks, is that right, sir?

11 MR. CRAWFORD: That's correct, Your Honor.

12 THE COURT: And, Mr. Bell, can you confirm, sir, for
13 me that you have reviewed and discussed with Mr. Crawford the
14 Presentence Report?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Okay. There being no objections to the
17 Presentence Report, I will adopt the findings of the Presentence
18 Report as my own.

19 And let's go directly to the calculation of the
20 guidelines range. Those calculations begin at page 7 and
21 paragraph 16. The -- each individual count of the ten counts
22 that are there is a separate group by virtue of the, of the
23 guidelines and the statute.

24 So, let's start with group one. That was Victim
25 Number One. The guidelines calculated base offense level is 32,

1 because the offense involved a minor who had not yet reached the
2 age of 16, but was at least 12 years old. There was a two-level
3 increase. There was an additional two-level increase because
4 the offense involved the commission of a sexual act or sexual
5 conduct -- contact, and another two levels because the minor
6 victim was in the care, custody or supervisory control of the
7 defendant. That resulted in an adjusted offense level for
8 victim one and group one of 38.

9 Those exact same guidelines calculations apply equally
10 to group two, victim two resulting in an adjusted offense level
11 of 38. And the identical calculations involving the identical
12 guidelines provisions for group three, victim three; and group
13 four, victim four; group five, victim five; group six, victim
14 six; group seven, victim seven; group eight, victim eight; group
15 nine, victim nine; and group ten, victim ten.

16 Now, when you have ten counts such as this all of
17 which have the same adjusted offense level, then under Section
18 3D1.1 and 1.2 and 1.4 of the guidelines, the multiple count
19 adjustments are required. And so, each of those ten counts
20 amounts to one unit. There are, therefore, ten units that have
21 to be factored into the adjustment.

22 The offense level for each is the same, so the highest
23 offense level is a 38. There's a five level increase occasioned
24 by the ten points. That puts the combined offense level at a
25 43.

1 There is a further enhancement under Section 4B1.1
2 that says that when the offense of conviction is a covered sex
3 crime that neither 4B1.1, the career offender nor Subsection A
4 of 4B1.5 applies. And the defendant who engaged in a pattern of
5 activity involving prohibited sexual conduct, therefore, the
6 defendant is viewed as a repeat and dangerous sex offender
7 against minors and the offense level shall be five plus the
8 offense level determined in chapter two.

9 When you add five point to the 43 it's 48. When you
10 subtract two points for acceptance of responsibility under
11 3E1.1A, that then drops it down two points to a 46. And then
12 you have an additional subtraction of one point under 3E1.1B for
13 promptly acknowledging responsibility and pleading guilty
14 obviating the need for the government to present a trial.

15 This then drops it down to a 45. Obviously, a 45 is
16 two points higher than the highest guideline range for offense
17 level, so it operates, therefore, as a 43. And that is how the
18 offense level operates for each of these ten counts is a 43 for
19 the offense level.

20 The defendant's criminal history as reflected at page
21 16, paragraph 107, he has a criminal history score of zero.
22 Therefore, he has a criminal history category of one. The --
23 for an offense level 43 and a criminal history category one, the
24 guidelines recommended sentence would be life imprisonment. Of
25 course, that is not possible under the statute which has a

1 five -- 15 year mandatory minimum to 30 year maximum.

2 So what happens is, is the maximum statutory sentence
3 would be what would be applicable for each of the ten counts and
4 that would be the guidelines calculation for purposes of the ten
5 counts that we are dealing with here.

6 In addition, the guidelines for Counts One through Ten
7 would include supervised release of a mandatory minimum of five
8 years to life times supervised release for each count. There
9 would be a mandatory \$100 special assessment for each of these
10 ten counts, which would be a thousand dollars. And the
11 guidelines fine for each count would be 50,000 to \$250,000.

12 Does either the United States or Mr. Griffith [sic]
13 wish to be heard on the guidelines calculation?

14 MR. HAGAN: No, Your Honor.

15 MR. CRAWFORD: No, Your Honor. I think the Court
16 is --

17 THE COURT: All right. So, those are my findings on
18 the guidelines calculation.

19 Mr. Hagan, before turning to you, I know that there
20 are some impact statements or, at least, one that Jane Doe,
21 victim of -- mother victim one has provided an impact statement.
22 Are there any other impact statements or has anyone indicated a
23 desire to be heard today at the sentencing?

24 MR. HAGAN: No, Your Honor.

25 THE COURT: With that in mind, sir, if you would go

1 ahead and make your presentation.

2 MR. HAGAN: Yes. Thank you, Your Honor.

3 As a preliminary matter, Your Honor, on my way to the
4 court today to file a Forfeiture Order, I realized that there
5 was an error in the specific devices listed with respect to
6 forfeiture. With the Court's permission, I'm going to correct
7 that when I promptly return to my desk and send it to the Court
8 after this hearing.

9 THE COURT: Sure. Otherwise, it is an agreed upon
10 Forfeiture Order?

11 MR. CRAWFORD: It is, Your Honor, and he advised me of
12 the change.

13 THE COURT: And I will want to discuss with you before
14 we finish today the implementation of the second issue you all
15 raised yesterday about the manifestation of the coordination
16 between the sentence here and the sentence in the state court
17 proceedings to make sure that that's done in a way that was
18 contemplated by all the jurisdictions that were involved in the
19 determination of the outcome in this case.

20 MR. HAGAN: Yes, Your Honor. Thank you.

21 Your Honor, as set forth in our papers, the government
22 seeks a sentence of 150 years of imprisonment. That 150 years
23 would correspond to 15 years for each of the ten victims in this
24 case, the ten victims that were charged by -- that were listed
25 in the Indictment.

1 THE COURT: Fifteen years, Count One and then 15 years
2 Count Two consecutive to Count One; 15 years, Count Three
3 consecutive to Count Two, et cetera down the line.

4 MR. HAGAN: That's correct, Your Honor.

5 As the Court mentioned in talking about what the
6 penalties are associated with this offense, the maximum penalty
7 for each offense would be 15 years as a mandatory minimum up to
8 30 years. That mandatory minimum does not necessarily
9 correspond or require when there's multiple victims that it be
10 15 years consecutive for each victim.

11 THE COURT: Right.

12 MR. HAGAN: Nonetheless, that is what the government
13 requests. We believe that the conduct in this case by the
14 defendant was so egregious that it merits this. And I don't
15 make that statement lightly. The government doesn't take that
16 position regularly. As we've shown the Court, it's not frequent
17 that the government request or that the Court sentences someone
18 to such a significant period of incarceration which would
19 functionally be the equivalent to the rest of his life in prison
20 for these types of offenses.

21 We cited in our brief in our Sentencing Memorandum
22 that these would not be -- that while these don't occur
23 obviously every day, that these sentences would not necessarily
24 be unique or unheard of when it comes to this type of offense
25 across jurisdictions, federal jurisdictions throughout the

1 country.

2 And as we stated in our papers, there are a number of
3 cases that have merited sentences of this length that the
4 government is requesting or more.

5 Why would this merit that? Well, in some ways, the
6 facts speak for themselves. As stated in the Attachment A
7 associated with the Plea Agreement when we were here on the 23rd
8 of January, the defendant looked for any means that he could to
9 prey upon boys going through their adolescents, boys that he had
10 access to as a mentor, as a disciplinarian, as a coach, as a
11 quasi-teacher, official and as he tried, as a friend and
12 sometimes as a individual whom they respected who purportedly,
13 according to him, was someone who could help them get into a
14 gang and I'll get into that in a moment.

15 What's important here to realize is that these are
16 individuals, these victims were individuals who were abused
17 sexually, physically, emotionally. Many of them were plied with
18 drugs and alcohol.

19 And before I get any further, I'd like to thank the
20 victim's mother who brought this to the attention of
21 authorities, the hero who noticed something that appeared to be
22 amiss with respect to communications that her son was having on
23 text message and via cellphone. It appeared that the son was
24 having communications of a sexual nature, although no indication
25 of actual pornography or anything like that.

1 THE COURT: Is this Jane Doe, the same woman who wrote
2 the Victim Impact Statement?

3 MR. HAGAN: Yes, Your Honor.

4 THE COURT: Okay.

5 MR. HAGAN: And the individual who reported this to
6 Charles County Police could have taken any number of tacts. It
7 wasn't even necessarily clear to her at the time that she
8 reported this to the sheriff's office in Charles County that
9 this was actually a crime.

10 What she had seen was the defendant adopting the
11 persona or the identity of another person communicating in a way
12 that did not seem appropriate with her child via text. And the
13 red flags and the alarm bells went off in her mind for reasons
14 that she was unsure of. She thought this might be Mr. Bell.

15 She spoke with her son about it. She learned how
16 manipulative these conversations were, that this individual had
17 -- Mr. Bell, unknown at the time, had attempted to pose as
18 another older boy formerly who was on the track team or as
19 someone who should be looked up to. And that individual tried
20 to get the young man to speak about sexual matters and a
21 grooming process to ultimately achieve what he succeeded in
22 achieving in a number of instances. This is one MO of the
23 defendant among many, which is the reason why he is dangerous
24 and would pose a danger if ever released.

25 Again, that mother not knowing necessarily for sure

1 who was doing this and not knowing necessarily that there was
2 even a crime being committed, but knowing that this was not
3 okay, brought it to the attention of authorities. And if that
4 hadn't happened, given the nature of the crimes that this
5 defendant committed, given the nature of the victims against
6 whom he offended and the fear about coming forward, the concern
7 about whether or not this would reflect poorly on them, the
8 shame that they might otherwise feel, he could have still been
9 operating today.

10 He wasn't caught doing anywhere near the most
11 egregious conduct that we ultimately recovered, we ultimately
12 learned about. He was caught doing something that was almost
13 not even criminal. But thanks to the investigative work of the
14 Charles County Sheriff's office, of HSI, of MSP and the Charles
15 County State's Attorneys office, he was ultimately able to be
16 taken off the street and we hope he never has the chance to do
17 this again. That's why we asked for the sentence we ask.

18 The physical abuse in this case is something that is
19 sometimes overlooked because of the salaciousness of some of the
20 sexual abuse that occurred. This defendant videotaped himself
21 ritualistically and methodically beating nude young men, minors
22 with promises that they were being jumped into a gang. He broke
23 them. He was emotionless as the boys descended from repeating
24 what he was telling them to repeat methodically to tearing up,
25 to breaking down, to crying in front of him as he continued

1 ritualistically beating them, exposing their genitals on the
2 video and breaking their spirit.

3 This Court and those who investigate the types of
4 sexual crimes that we do sometimes can become a little bit
5 desensitized to all the horrible, horrible images that we see in
6 this line of work.

7 While not as overtly sexual, while not involving some
8 of the things, rape that he committed with respect to other
9 victims, those beatings will stay with the people who saw them.
10 They stand out for their lack of empathy. They stand out for
11 how methodical they were and their scarring not just to the
12 individuals and the victims, although I hope those scars heal,
13 but their scarring to anybody who sees them in a different way
14 than what we have had to see amongst some of these other
15 victims.

16 Each of these young men is unique. Each of the ten
17 victims met Mr. Bell with their own vulnerabilities, their own
18 strengths, their own interests. He recruited them to be on the
19 track team. He recruited teachers and school administrators to
20 entrust him to handle the discipline problems, the boys who
21 needed to be removed momentarily from class or for longer
22 periods of time by adopting the persona of a responsible adult,
23 someone who could be trusted, who had an interest in the boys
24 and had their best interest in mind. He was trusted by a
25 community, by parents and by a school and he abused that trust

1 in unimaginable ways.

2 Part of what makes the defendant dangerous and part of
3 what will keep him dangerous was his malleability, his ability
4 to manipulate and figure out the best means and the best
5 situations with the specific victim to appeal to that victim in
6 order to exploit him.

7 If the victim needed a male figure as a mentor,
8 Mr. Bell sought a way to fill the void. If the victim struggled
9 with coming of age struggles as any pubescent teenager would,
10 whether it be issues with girls, boys, sexuality, et cetera, the
11 defendant was there and the defendant exploited that.

12 If a young man struggled to make friends, the
13 defendant was there and he exploited that. If a young man
14 struggled at home or struggled with discipline in school or
15 lashed out because he came into there already with certain
16 vulnerabilities, the defendant was there to capitalize on it.

17 This defendant sought any means he could to prey on
18 these boys whether it was in person or whether it was online or
19 whether it was by videotaping them. And that won't change if
20 the defendant were to be released from prison even as an older
21 man. He would still have the ability to communicate. He would
22 still have the ability to get online. And I don't know of any
23 alternatives, any means of supervision that could protect the
24 community from him doing this again aside from what the
25 government is requesting, which is incapacitation, which is that

1 the defendant be removed from the community for what would be
2 the rest of his life.

3 The government had a chance to review the defense
4 sentencing memorandum where it's claimed that Mr. Bell
5 self-reported vague assertions that as a young man, as a child
6 he was abused himself.

7 THE COURT: This is also reflected at paragraph 117 in
8 the Presentence Report, correct?

9 MR. HAGAN: That's correct, Your Honor. Obviously,
10 that is something that is self-reported at this time, something
11 that he had not reported previously to law enforcement or
12 apparently to his family. Whether or not that happened does not
13 excuse his conduct as an adult.

14 In reviewing dozens if not hundreds of reports and
15 analyses that have to do with what the effects are from a child
16 who is abused when it comes to whether they are going to commit
17 the same horrible acts that they suffered to another victim,
18 there is no correlation. And the closest correlation that exist
19 is among children who don't know better. It's when a victim, a
20 five years old victim, for example, repeats the conduct that
21 they have learned as a seven year old on to another child.

22 THE COURT: So, the non-correlation you're citing, is
23 that a study or some exhibit that you have?

24 MR. HAGAN: I don't have an exhibit, Your Honor. My
25 point is that there is no study that says otherwise.

1 THE COURT: Is there a study that says, there is no
2 correlation, because you hear, at least anecdotally, frequently
3 one of the sad, cruel ironies of these cases is that it is not
4 infrequent that a person who is an adult and commits these type
5 of offenses on children, it is not an unusual occurrence to find
6 that them themselves were abused.

7 And regardless of whether or not the government is
8 somewhat skeptical of the bona fides of this self-reported
9 abuse, putting that aside in this case for a moment, oftentimes
10 it is undisputed that that is the case. And of course,
11 logically, one might think that if you suffered these horrific
12 acts as a child that, that even though it leaves you for the
13 rest of your life with a burden that for many is nearly
14 intolerable if not intolerable, then the one thing there would
15 be would be a commitment never to do it to someone else. And
16 yet, you see so often that it happens.

17 I'm just curious as to whether there is any
18 publication or study or other source that supports the argument
19 that you are making.

20 MR. HAGAN: There is, Your Honor. I cannot cite it
21 right now. I know I've seen it within the last five years and
22 I'm happy to forward what I can find to the Court after this
23 hearing.

24 The concern on this is when we talk about those who
25 can manipulate victims, who can manipulate entire communities

1 where the grooming is not just of the victims, but of the adults
2 around the victims to allow for access and to allow for trust
3 and to allow for things that might seem suspicious to be brushed
4 aside by otherwise responsible adults because of the trust that
5 they have now developed with the individual who is the offender,
6 there are two concerns there when it comes to what I just
7 suggested with respect to the tendency to abuse -- the
8 likelihood of a victim to abuse in the future as an adult.

9 One is that a lot of those self-reported instances of
10 abuse as a child are just that, are self-reported manipulations
11 of the court in the same way that -- or the listener for
12 sympathy the same way that they manipulate everyone in their
13 community and have.

14 I'm not saying that this defendant hasn't been or has
15 been. What I am saying is, we dispute the idea that as an adult
16 this individual would not understand the right from wrong, not
17 understand the consequences of his actions and be somehow be
18 defective or changed in such a way as a result of his abuse so
19 many years ago that it would somehow explain what happened here.
20 It doesn't.

21 And the fact that children who are the victims of
22 abuse can grow up to abuse doesn't necessarily mean there's any
23 statistical correlation between the two, because individuals who
24 aren't abused as children also sadly can grow up to abuse. And
25 I don't want to make too fine of a point on it.

1 These ten victims are not at risk anymore than anyone
2 else in the population of growing up to be that type of thing,
3 growing up to commit the kind of acts that they suffered. There
4 is nothing that says that and there is no one who will say that.

5 And the point I want to make is that I don't believe
6 this play for sympathy, while the defendant may be entitled to
7 sympathy for what he endured as a child, should necessarily be a
8 justification for a reduction or a modification, mitigation for
9 his conduct as a fully-formed adult, educated in a position of
10 trust.

11 The reason that the government seeks the sentence that
12 we seek and the justification for doing so relies on punishment.
13 Sometimes the government or whomever would be standing and
14 asking for such a significant sentence could be accused of only
15 looking for punishment. And, frankly, the punishment here,
16 punishment alone based on the conduct would be justified, the
17 150 years.

18 But what's more important here than punishment,
19 because we don't -- we don't need to just rest on that, but the
20 question of protection of the community and deterrence. As I
21 stated in the papers, this defendant is known in that community.
22 In his relatively small community, everyone is watching both
23 this Court and the Circuit Court for Charles County, and the
24 victims who don't necessarily want to appear because they don't
25 want to be identified will know whether they can be sure that

1 they're ever going to have to look over their shoulder again for
2 Mr. Bell being out on the street.

3 They're entitled to know that they don't have to worry
4 about him manipulating them again. They're parents are entitled
5 to know that they won't have to worry about the defendant
6 manipulating their children again. And individuals who are in a
7 position of hiring, of vetting, of keeping an eye on, evaluating
8 people who are in positions of trust, coaches, people who are
9 employed by schools have been reminded of how important that
10 responsibility is by this case.

11 And people who might be tempted when in positions of
12 trust like the defendant was to act on impulses against the
13 people who they are charged to protect may otherwise be deterred
14 knowing that the consequences can be this severe. Not just a
15 loss of job, not just an arrest, not just a brief period of
16 confinement, but potentially for the rest of their lives.

17 When it comes to victim impact, Your Honor, the
18 government endeavored to contact both by mail and phone everyone
19 who is associated as a victim in this case. The Court received
20 the papers that it received. The government received the papers
21 with respect to restitution that it received and forwarded.

22 And in talking to one parent in particular about
23 whether she was going to be present today, what she would like
24 to tell the Court, what she would like for us to tell the Court
25 on her behalf if she wasn't comfortable doing that, one the

1 things that stuck with me and I think is important to emphasize
2 with respect to these kinds of cases. She didn't want to be
3 here because in a community of a school and a team, if she was
4 here everyone would know that it was her boy and she couldn't do
5 that to him.

6 He's had -- he has his own struggles and suspicions
7 among other people and the people that he socializes with that
8 he's a victim in this case. And so they're left with impossible
9 choices, the victims in this case, about how to communicate to
10 the Court. One can forgive the fact that they may not trust
11 institutions very much at this stage either, based on the fact
12 that they were entrusting their boys to the school system where
13 this happened.

14 One can appreciate the fact that they may not want to
15 talk about this anymore for fear that it will make things worse
16 for their sons. One can appreciate the fact that they hope this
17 just goes away and that maybe they won't have to think about it
18 every day when they look at their children and wonder about what
19 happened to them when they weren't there.

20 Your Honor, the government's request in this case is
21 reasonable. It's no greater than necessary to effectuate the
22 interest of justice.

23 THE COURT: Take a minute, Mr. Hagan. You address
24 this in your submission, but one of the 3553 factors, of course,
25 is whether or not a sentence that has been imposed is out of

1 sync, for lack of a -- to use a non-guidelines phrase, with
2 sentences of others similarly situated. And you obviously had
3 that in mind when at ECF 31 your written submission, page 7, 8,
4 9 and 10 sets forth 86 examples of cases in other courts where
5 offenders prosecuted for, I take it, similar offense, right?

6 MR. HAGAN: That's correct.

7 THE COURT: This is not someone who has been charged
8 with -- been convicted of racketeering involving homicide of 150
9 people. This is all offenses involving crimes of this nature
10 against children where the minimum sentence of the examples you
11 gave was hundred -- 1,200 or a hundred years imprisonment up to
12 life, and some of them with as many as 11,000 months. I'm not
13 sure that whatever Court imposed that had a, had a life
14 expectancy chart that charted that out to two or three life
15 expectancies. But nonetheless, 86 examples and I take it that
16 all of these are examples that the Court has found or that the
17 government believes are consistent with the nature of the
18 conduct in this case and, therefore, justifies a sentence of
19 115 -- 150 years cumulatively, correct?

20 MR. HAGAN: That's correct, Your Honor.

21 I would note in our papers that each of these
22 individuals that's cited in these cases was convicted of
23 production of child pornography, so it is this offense. And
24 it's similar in the sense that, obviously, involved the same
25 charge there are aggravators, factually I think, for this

1 defendant that would justify where he would stand in that list.

2 THE COURT: All right. Continue please.

3 MR. HAGAN: One of the aggravators for this defendant
4 is that he knew at the time that he was committing these
5 offenses that he was, in fact, HIV positive; that knowing that
6 he took reckless, dangerous risks.

7 I can tell the Court that at this stage after repeated
8 testing, the information that we have is that no one has been
9 infected, but obviously, that was a possibility based on the
10 conduct that we've unfortunately had to witness and that
11 unfortunately has been reported by the victims. There was --
12 they were potentially exposed. Not every single one of the ten.

13 So, we know, Your Honor, that it is not -- so while
14 the request of the government is consistent with other
15 individuals who have been convicted of serious situations
16 involving the production of child pornography, it's not every
17 day that this Court or any court is asked to sentence anyone for
18 this offense for this amount of time.

19 We believe that this defendant is unique. We believe
20 that the means that he employed keep him a danger even upon
21 release, even upon a lifetime of supervised release, even upon a
22 lifetime of supervised sex offender registration, we believe
23 that justice requires that he be imprisoned for the period that
24 we've asked. We believe that the victims are entitled to that.
25 We believe the community is entitled to that. We believe the

1 community deserves the opportunity to move on, to not think
2 about the possibility of him returning, but to move on with
3 their lives.

4 We believe that it's important that he be in custody
5 federally, that this defendant be housed in the Bureau of
6 Prisons at a location that is not in Maryland, which would be
7 the case. We don't want him anywhere near or the victims
8 anywhere near to him.

9 This case involved the sexual abuse and exploitation
10 and conduct involving at least 42 minors. This conduct didn't
11 stop after the defendant was first arrested, after he knew that
12 the government had seized his contraband, his videos. And if
13 the Court wishes, I'm happy to describe some of the ways that he
14 did this, some of the ways that he videotaped that go above and
15 beyond what's in the Statement of Facts.

16 Some of it was surreptitious, some of it was right
17 there for everyone to see, some of it was in another room at a
18 remote location, some of it was by phone, some of it was by
19 computer. The boys that were the victims in this case were age
20 11 to 17. As I said, at least that we have identified 42. And
21 the defendant is here because he's pled guilty to federal crimes
22 involving ten. We believe that the 15 years for each of those
23 ten is justified. And with that, I have nothing further, Your
24 Honor.

25 THE COURT: Thank you.

1 Mr. Crawford, any individuals -- you have not notified
2 the Court that there are any individuals who wish to be heard.

3 MR. CRAWFORD: Judge, two issues. Yes, there are and
4 I just figured that out this morning. Mrs. Bell, Mr. Bell's mom
5 and his dad want to address the Court at some point in time if
6 they could.

7 THE COURT: Are they able to confine their remarks to
8 five minutes or less?

9 MR. CRAWFORD: Yes, sir.

10 THE COURT: All right. And unfortunately, that's got
11 to be a, that's a -- that is a necessity at this time. So, I'm
12 happy to hear from them. They each can have up to five minutes
13 to tell me what they'd like me to hear.

14 MR. CRAWFORD: Additionally, I gave to your clerk and
15 I gave to the United States government, we just received a
16 report of Anne Arundel County Counseling. It's the
17 pseudo-sexual and psychological evaluation. My apologies, but
18 we just received it. It was a financial issue as far as the mom
19 being able to afford the report and I'll be more than happy to
20 sum it up for Your Honor at the appropriate time.

21 THE COURT: Okay. So, let me hear from the people who
22 want to be heard. I'll accept this as a --

23 Has Mr. Hagan had a chance to see this?

24 MR. CRAWFORD: I gave it to him this morning.

25 MR. HAGAN: Yes, Your Honor.

1 THE COURT: All right.

2 MR. CRAWFORD: Your Honor, I'd like to call Mrs. Bell
3 to the stand. Would you like her to stand here, Your Honor, or
4 go to the stand?

5 THE COURT: Yeah, I think that's probably the best
6 way.

7 All right. Ms. Bell, it's not easy to try and make
8 your comments in five minutes or less. I apologize for that,
9 but I had not been given advance notice of this. Otherwise, I
10 would have scheduled more time for the hearing, but are you able
11 to do that in five minutes or less, ma'am?

12 THE WITNESS: Yes, sir.

13 THE COURT: Okay. Go ahead if you would please and
14 tell me your name for the record. And I'm going to have to ask
15 you to keep your voice up so our court reporter can hear you,
16 ma'am. And there's a microphone directly in front of you that
17 if you keep your voice up, it will be able to record it.

18 So, tell me your name please, ma'am.

19 THE WITNESS: Monica Henson Bell.

20 THE COURT: All right. Go ahead, ma'am.

21 MRS. BELL: Yes, my son is Carlos Bell. Carlos had a
22 rough time growing up. He was a kind child. He was a helpful
23 person. He had a scholarship to go to college, which he went to
24 the NYC, NYU University.

25 He raised his nieces and nephew, and who all are on

1 the honor roll, in extra-curricular activity. One is a Junior
2 Olympic champion and one is -- and we have letters from them as
3 well. One is -- was the president of the student government as
4 well as the Junior Honor Society and they were troubled as well.
5 He came back from New York to raise them -- to help me raise
6 these four children, my four grandchildren.

7 Carlos is a changed man today as he has accepted the
8 Lord Jesus Christ as his savior and the Lord has forgiven him
9 and I ask the Court and the people in the media, and the police
10 to forgive him as well.

11 I believe that through the Lord Carlos is a changed
12 man and he can be rehabilitated. And I ask you to consider the
13 fact that he will give his last dime and the last -- his shirt
14 off his back to anyone, and we have letters to attest to that as
15 well.

16 MR. CRAWFORD: Mrs. Bell, if you could, please
17 address -- we don't have much time, address to the Court about
18 his history as far as abuse.

19 MRS. BELL: Coming up, Carlos was abused and he was --
20 now they call it abuse as far as whippings is concerned. He
21 also was exposed to -- he's a child of a drug abuser and
22 alcoholic who is recovering now, but he has been exposed to that
23 and he was exposed also to a lot of fights and arguments due to
24 that as well. He was --

25 He was -- he's seizure prone and he, he is dyslexic

1 and he has a eidetic memory, so he is very brilliant. And I do
2 believe that he can be rehabilitated.

3 THE COURT: Thank you, ma'am.

4 MRS. BELL: Thank you, sir.

5 MR. CRAWFORD: Your Honor, I'd like to call Mr. Bell
6 to the stand.

7 THE COURT: Sir, again, my apologies to you, but we
8 only have about five minutes, so hopefully if you can keep your
9 remarks to that amount, then that would be fine.

10 Could you tell me your name please?

11 MR. BELL: Mark Bell.

12 THE COURT: All right. I think you have a deep enough
13 and loud enough voice that if you will just speak normally, it
14 will pick it up, all right, sir?

15 Go ahead. Tell me what you would like me to hear,
16 sir.

17 MR. BELL: Your Honor, I just want to say that I know
18 my son. He's always been a good child. We tried to bring him
19 up in church and we did go to church and try to be at church,
20 but during that time too until I had got saved, I was on drugs
21 and everything. We have, me and his mother have went through
22 hard times. And that --

23 I also want to say that we did separate and split up
24 when he was -- I think he was 12. So, it was a type of thing
25 where I think that really did something to him when we split up

1 because it's a lot of things that I didn't attend that I should
2 have attended and he despised that and despised me because I
3 wasn't there for him, because he does have three other brothers.

4 And right now, we have just been trying to get back
5 together and re-bond. And even though that I know he done what
6 he done, but I think that he can be rehabilitated because he's
7 really not that type of person.

8 I heard about what he supposed have gotten abused and
9 things, and I was sorry that, that when that happened that I
10 wasn't around because I thought -- I think if I was around, it
11 might not have happened because of where -- wherever he was at
12 the time.

13 And I just ask the Court to think about -- to just
14 have mercy on him. And I know that he has to do whatever time
15 that the Court gives him, but like I say, he's not a monster.
16 And when people say that he preyed and things like that, I don't
17 think that was that type of thing, because he's a likeable young
18 man and people always been around him, so he didn't have to prey
19 on anybody. They just like to be around him. And whatever
20 circumstances that happened, I don't know, but I just ask the
21 Court to have mercy on him.

22 THE COURT: Thank you, sir.

23 All right. Mr. Crawford, you want to make your
24 presentation, sir?

25 MR. CRAWFORD: Judge, yes, sir.

1 Your Honor, good morning once again. And, Your Honor,
2 I appreciate the Court allowing Mr. and Mrs. Bell to say
3 something about their son.

4 In a case like this, Your Honor, the first thing I
5 want to say to the Court on behalf of Mr. Bell, and he and I
6 have discussed this on many occasions, is that he wants to
7 apologize publicly to the victims and to the family for what's
8 occurred. I know he wants to do that himself as well.

9 And when a defense lawyer is representing a defendant
10 in a situation like this, one of the things we have to look at
11 is not just the case in its totality, but what is in the best
12 interest of your client and what is in the best interest of
13 Mr. Bell.

14 And in this situation, I have to give the government
15 some credit here because as the Court is aware, Mr. Bell is
16 charged in Charles County. I know the Court wanted to know a
17 little more information about that. And he's pled guilty and we
18 have a sentencing date coming up the third. And based upon the
19 discussions with the government --

20 And the government came in a little bit late here. It
21 was Charles County that got most of the investigation out and
22 got the ball rolling and indicted him. It was a rather large
23 Indictment.

24 And after discussing it, we concluded based upon the
25 plea that we would want him to serve time in federal prison.

1 And that's why we're here. That's why we're standing here today
2 in front of the state court sentencing. And counsel has been
3 very cooperative. We've filed the necessary paperwork and that
4 is our intention.

5 And based upon my remarks I'm going to make to the
6 Court, I'm asking the Court to consider or recommend a sentence
7 that is reasonable. I'll get into the details of that, but I'm
8 asking the Court to consider sentencing him to a place, such as
9 Fort Dix in New Jersey. Make a recommendation to the U.S.
10 Marshals office. Of course, it's up to them. Based upon what
11 I'm going to tell the Court and based upon what I think is in
12 his best interest, but also in the interest of the community
13 based upon what we've seen here and as far as treatment is
14 concerned.

15 Very briefly, the Anne Arundel County Counseling
16 report that I provided to the government and to you done by
17 Mr. Walsh, as the Court knows, any time you have a individual
18 who is incarcerated, it's really difficult to have any kind of
19 mental health professionals see them, evaluate them, do what
20 they need to do.

21 And in this situation, his mom is a single mom and his
22 mom works and she's done a great job of working with us as far
23 as trying to gather this report, and it cost money. And it is a
24 situation where it took a little bit of time for her to be able
25 to do that, but we were able to do that. And Mr. Walsh was able

1 to finally go down there.

2 Now, Mr. Walsh is an individual he's been employed
3 with Anne Arundel County Counseling for quite a while. He is
4 licensed in the state of Maryland as an LCA and he also came
5 from Virginia as the Board of Psychology Licensed Sex Offenders.
6 In Maryland, you don't have to be licensed in that capacity, but
7 he has that background.

8 Now, during the evaluation and in his conclusions he
9 did consider sexual evaluation where he basically indicated that
10 there's no question that Mr. Bell revealed a high risk score
11 based upon the evaluations done. And if he did the evaluation
12 prior to this offense, these series of offenses, he would
13 score -- it revealed medium risk and a moderate risk based upon
14 the Minnesota Sex Offender Screening tool.

15 THE COURT: That this person would offend?

16 MR. CRAWFORD: Yes, yes. I mean, it's a cognitive
17 series of tests that are done for pseudo-sexual evaluations and
18 in report -- I've used Anne Arundel County Counseling in many
19 occasions. In the report, they go through the list of what they
20 use to come to that conclusion. But in the diagnostic summary
21 and also the summary conclusions, they basically give a listing
22 of what they believe should be done in order to help Mr. Bell.

23 And they're talking about a recommendation, obviously,
24 of counseling, followed psychiatric evaluation to rule out
25 mental health factors such as schizophrenia disorder, bipolar

1 type which would cause hallucinations, delusions as well as
2 symptoms of mood disorder, manic episodes and depression.

3 And he also talks about some history as far as child
4 abuse that may have caused a post-traumatic stress disorder that
5 he wants to rule out at some point in time. Then he talks about
6 counseling, sexual sensitivity awareness, development of
7 socially appropriate behaviors, mechanisms, positive addresses
8 of feeling shame and guilt, behavior control methods, triggers,
9 development sense of honesty, avoidance of fantasies --

10 THE COURT: You have to go a little bit slower.

11 MR. CRAWFORD: I'm sorry. My apologies.

12 The avoidance of fantasies and isolation and
13 understanding the precursors of destructive behavior.

14 In essence, the summary of Mr. Walsh is that he
15 believes there is treatment available for Mr. Bell and he's
16 recommending these treatments, even though is he is at a very
17 high level of possible recidivism. There's no question that we
18 believe that Mr. Bell is in a situation where he can be redeemed
19 from the standpoint of his training and understanding from a
20 psychological and pseudo-sexual behavioral scenario.

21 I wanted to address something before I forgot about
22 that the Court inquired to counsel regarding any studies done,
23 regarding individuals and any kind of correlation related to
24 past sexual abuse or abuse of any sort, and future conduct as an
25 adult and acting out on that conduct or there's -- these issues.

1 I don't have any specific studies in front of me, but
2 I can tell the Court that there are. And recently had a
3 situation not long ago with someone who was diagnosed as an
4 adult child of an alcoholic. And that summary of those symptoms
5 was diagnosed back in the 60's with several written treatise.
6 And since then, it has expand to not just adult alcoholics, but
7 people who have been abused as children.

8 And I want to say also to the Court that there is
9 absolutely no excuse and no reason -- and Mr. Bell and I have
10 talked about this, Carlos and I have talked about this on many
11 occasions for his conduct. There's no question that this was a
12 horrific scenario, a series of horrific scenarios.

13 And I'm standing here before the Court not arguing
14 that he can justify that conduct because of any past history.
15 What I'm arguing to the Court is that it occurred and I truly
16 believe, as I get into it more with the Court, that the past
17 trauma that he endured caused and made him act out in these
18 scenarios based upon many reasons and issues.

19 So, it's not an excuse, but it's a reason. And it's
20 important to understand the distinction because he pled guilty
21 here and the government is 100 percent correct when they said to
22 the Court, you know, the victims have these issues and this is
23 hard and there's no question. I do a lot of sex offense type
24 work. I know the Court has seen this in many different
25 varieties for many different years.

1 There's no question, Your Honor, that it is a
2 life-changing traumatic experience for these victims that can
3 never possibly be changed, but we don't know exactly what that
4 means here in this case. We just don't. We're assuming and we
5 know it had to be traumatic because it was sexual conduct and
6 he -- and in fact, he's here today because -- not really because
7 of the sexual conduct, but because of the videotaping and
8 production that he did.

9 The State is technically dealing with that as far as
10 the specific sexual conduct that occurred here, but we're here
11 technically because of the statute in question. And there's no
12 question in my mind that there's a correlation between what
13 happened to him as a child.

14 Your Honor, in my opinion, I think I have to sum it up
15 in a couple different words here to really put Mr. Bell's life
16 in some sort of assemblage of understanding. Secrets, family
17 secrets, life secrets, those are the words that jump out at me
18 as far as describing what happened to this young man.

19 What's very interesting and I don't want to offend
20 anyone in the court, but I'm here because this is a very serious
21 situation with Mr. Bell. His life is in the Court's hands in
22 many ways, but this is a very serious situation.

23 His dad is here today and I give his dad so much
24 credit for coming in and talking to the Court about some of the
25 things that happened and some of the things he did. Mr. Bell

1 had almost no contact with his dad most of his life. He was
2 there as a child for a little bit. But when he was there as a
3 child, he was abused physically; hit, struck, mentally abused,
4 emotionally abused while his dad was using drugs; not just one
5 type of drug, but many types of drugs and Mr. Bell saw this.

6 Now, talking to his mom, they got divorced, I believe
7 it was 2005, and the fighting, the arguing -- they lived in a
8 trailer park for a period of time. They had no water, no heat.
9 They had to look for, basically, some help as far as funding to
10 do that and they survived.

11 Again, it goes back to family secrets, but the issue
12 here is and Mrs. Bell didn't know this, his mom didn't know
13 this, at the age of seven Carlos started looking at pornography,
14 hard core, high speed pornography. And when he was nine or ten,
15 he started looking at -- he said, straight pornography first and
16 then gay pornography when he was ten years old or so.

17 He was abused as a child and throughout his teenage
18 years not just by family members. I'm not accusing Mr. Bell or
19 Mrs. Bell because they had no idea, but other family members and
20 Carlos is really mixed up as far as whether or not saying
21 something about that, not saying something about that. But
22 we're not just talking about one abuse. We're talking about a
23 teenager at an early age all the way up through his teens, into
24 his twenties, he was having sex with men who were coming to his
25 house when his mom was gone hundreds of time through the

1 Internet, through contact, through chat rooms. He was a kid.

2 Judge, in many ways, his actions are a direct mirror
3 of what he went through. Is it right? No. And is the
4 government correct that an adult should find ways of fixing
5 that? Absolutely. But in many ways and I want to say this
6 because I believe in my heart that it's true, he was abused by
7 members of Charles County School System.

8 And how ironic is it now that he became a member, an
9 employee of the Charles County School System and now he's being
10 sued via that issue. How ironic. It goes back to what I said,
11 it's family secrets, secrets, sexuality as far as abuse. It's
12 kept hidden, it's not disclosed. And that's what happened to
13 this young man for many years.

14 I also believe -- I'm a big advocate and in many cases
15 in the federal court and state court I argue as far as
16 pornography. I'm a big anti-pornography person. I think that
17 in our society in the last 15 years with high speed pornography
18 that individuals like Carlos and other young men and other
19 people have watched that and become desensitized.

20 There's been a lot of books written about what
21 pornography does as far as not allowing individuals to really
22 think and understand what the act of sex is really all about.
23 It minimizes it. It makes it okay.

24 He was watching pornography -- again, I don't want to
25 embarrass him, Your Honor, but I've talked to him about this.

1 He was watching pornography every day from the age of almost
2 eight years old. He was masturbating several times day. He
3 doesn't know why. He doesn't understand it.

4 When I first met him in jail, we had a long talk about
5 this. And he said, I don't understand my sexual proclivities.
6 I don't understand how or why. I hate it, but I do it. He's a
7 product in many ways of our society as far as that underground
8 and those secrets.

9 It's really sad because now we're standing here and
10 the Court is talking about his life and how many years to give
11 him in federal prison and then you also have other victims. The
12 cycle goes on and on and on. How do we stop it? How do we stop
13 it?

14 Well, the Court obviously has a duty and as the
15 government said and the Court briefly went over as far as
16 protecting the community, making the sentence fair and just,
17 putting him in a situation where -- and I truly believe, Your
18 Honor, that in this case, this is a question, is he redeemable?
19 Is there a situation where you give Carlos hope of being in a
20 situation at some point in time in his life he cannot be in
21 federal prison? That's the real issue here.

22 And again, these are very, very serious charges, but
23 no one lost their life. Not to minimize the actions and what
24 happened to the victims at all, at all, Your Honor, but I'm
25 trying to put it in perspective as far as what does the Court do

1 here? And how does the court weigh the balances in this
2 situation?

3 I'm asking the Court to consider a downward departure
4 in this situation. I believe a total sentence of 30 years,
5 however the Court wants to construct it as far as the
6 consecutive and concurrent counts are concerned puts the
7 community in a situation where they are protected. I think that
8 the -- wherever Mr. Bell is sent as far as federal prison that
9 he should be in a situation where he can receive help to help
10 him understand these issues.

11 He's a human being. He's an individual. He doesn't
12 deserve to be thrown away. And I know that's not what anybody
13 is talking about, but I'm just saying out loud that he deserves
14 to have someone extend a hand.

15 What he did was wrong. There's no question about it.
16 And it was systematic, we understand that, but it was also
17 systematic in his mind about how he engaged in these sexual
18 encounters as a teenager.

19 At first, he was very reluctant to talk about that and
20 as the government said, it was self-reporting. Well, now you
21 have his counsel saying it to the Court, he's going to say it to
22 the Court, the PSI refers to it, Mr. Walsh's report refers to
23 it. You know, for someone to make something like that up, it's
24 kind of insidious, but the Court can take it for what it's
25 worth.

1 But again, we're not saying, well, he was abused,
2 therefore, he needs to be forgiven. No, I'm trying to say to
3 the Court that this is a situation where the Court needs to look
4 at all of Mr. Bell's issues and what happened to him in this
5 situation.

6 Regarding the government's memorandum, Your Honor, the
7 one thing I want to point out is that on page 7 as the Court
8 referred to all the other sentences, 86 examples over the years
9 of other courts giving individuals of similar situations, all we
10 know from what the government provided is that he's been charged
11 with the same thing. We know they've been charged with the same
12 thing as him today. We don't know the details as far as the
13 extent of what these individuals did.

14 I mean, I've seen situations where you have
15 individuals who photograph, manufacture, create pornography for
16 the Internet or for other purposes to make money to put in their
17 pockets. I think there's a clear distinction between that and
18 what happened here with Mr. Bell.

19 Clearly, what happened here with him was for his own
20 gratification. It was manipulative, no question about it. The
21 question also becomes and it's right on the edges, well, what
22 type of guidance or what type of responsibility did he have for
23 these kids? Was he in school at the time? Was he not in
24 school. These are all questions that come up, but I would argue
25 that the 150 years the government is asking for is greatly

1 over-exaggerated here, greatly over exaggerated.

2 Mr. Bell took immediate action here to plead guilty.
3 He didn't put the government through the -- on the treadmill.
4 He basically said, you know what, I don't want the victims
5 coming in here. I don't want the families to have to go through
6 this. I recognize that.

7 He's gone through somewhat of a transition while he's
8 been in prison. He's lost some weight and he been -- where he
9 is right now, Your Honor, he's basically saying, why? How did I
10 do this? What's going on? So he recognizes that he needs help
11 and he recognizes that he wants help and wants to be in a
12 situation where that can occur.

13 There's no question that he is sick. There's no
14 question he has mental health issues. Just talking to him he's
15 telling me -- just asked him a couple minutes ago, are you still
16 having any kind of hallucinations. He said, yes. He's
17 receiving really no or very little medication in the county jail
18 in Charles County to help treat this.

19 I think that a facility that is experienced, like a
20 Fort Dix and there are other facilities, but is highly motivated
21 and also has the ability to really, really try to help Mr. Bell
22 in this situation.

23 As far as probation is concerned, obviously, as the
24 Court knows, if the Court were to say, you know what, I'm going
25 to go along with what you're saying, Mr. Crawford. Thirty years

1 is a long time. He's 30 years old. You're talking many, many
2 years from now.

3 He would be on a lifetime supervision. He also would
4 be required to be register as a sex offender. In some states
5 he's required to register even as he's incarcerated.

6 He has HIV. It's my understanding from talking to his
7 mom and looking at the reports that the HIV was barely
8 detectable, so it was very unlikely or very small chance of any
9 spreading of something along those lines, but nonetheless it was
10 still put at risk. He understands that.

11 I just think that based upon all the circumstances
12 that Mr. Bell deserves a chance here by the Court to at least
13 have some semblance of life of hope.

14 The Court can't control what the state is going to do.
15 The Court can only impose a sentence based upon all the factors
16 and what occurred here.

17 A couple other things I want to address very briefly
18 if I can. The Court or the government addressed these beatings
19 and this gang-related issue. Now, of course, counsel and I both
20 are at a disadvantage. We can only look at the video and see
21 what the reports show and the evidence shows, but from
22 Mr. Bell's standpoint, I understand from the video that there
23 were a couple of the videos in question, that there was physical
24 contact in that regard and there were discussions about a gang
25 that he knew about in LA, but apparently that was more of a

1 discussion. It wasn't as if he was trying to say to these kids
2 or these victims, pardon me, Your Honor, these victims that
3 somehow or another this is what's going to happen. It was more
4 as part of the discussion.

5 And frankly, it was manipulative. There's no question
6 about that. It put these kids at risk and Mr. Bell was using
7 what he could use to put them in a situation for sexual
8 purposes. There's no question about that and I think we've
9 established that.

10 But what I'm asking the Court to look at is principles
11 of fairness and justice and his background. The pornography,
12 physical and prolonged abuse, the sexual abuse and all these
13 issues combined equals a Carlos Bell that is really and has been
14 crying out for help for many, many years.

15 And the sole issue here, I think, for the Court is
16 really to decide, do we give him 150 years which puts him
17 completely out of commission or do we put him in a situation
18 where he has some opportunity, some hope for the future.

19 Last thing I want to address, Your Honor, is Mrs. Bell
20 gave me several letters from family members. We just received
21 them and I just, basically, want to sum up that it's about six
22 letters. And in fairness, the individuals didn't want to put
23 their name on it because of publicity in the media, but they all
24 say that Mr. Bell was a fair, kind, loving type individual.

25 He helped them. He was somebody who when on the

1 outside did good things for them and he was able to function in
2 society. And I think it just goes back to this deep dark secret
3 that he had starting with family secrets and starting with the
4 sexual abuse secrets. And I think that's the operative word. I
5 think finally it's out in the open and I'm asking the Court to
6 take all these things into consideration for a fair sentence.

7 That's all I have, Your Honor.

8 THE COURT: All right. Counsel, I'd like to ask you
9 to approach for the sealed portion of this proceeding and let's
10 make sure that the headset is working and Mr. Bell can hear the
11 conversation up here.

12 (Bench conference.)

13 THE COURT: Mr. Bell, can you hear me in the headset?
14 You can? All right, thank you.

15 There is no cooperation agreement. Therefore, there's
16 nothing to be put under seal at this time, is that right?

17 MR. CRAWFORD: Yes, Your Honor.

18 MR. HAGAN: That's correct.

19 THE COURT: All right. Thank you.

20 (Open court.)

21 THE COURT: All right. That concludes the sealed
22 portion of this proceeding.

23 Mr. Crawford and Mr. Bell, you -- let me speak
24 directly to Mr. Bell, but Mr. Crawford will advise.

25 At this particular time, you have the right to make a

1 statement to me before I announce my sentence. You are not
2 required to do so. You have the right not to do so. If you
3 choose not to make a statement, I will not draw any adverse
4 inference or hold that against you. But if you do wish to be
5 heard on that, then I will be happy to hear what you have to say
6 at this time.

7 You may remain seated. You do not have to stand, but
8 you need to speak so that your voice is slowly enough so it can
9 be recorded by our court reporter and loudly enough so it can be
10 heard, all right. So, if you want to be heard at this time,
11 Mr. Bell, this is the time to do it, sir.

12 THE DEFENDANT: Thank you, Your Honor. I initially
13 wrote a nine-page letter, but it's kind of impossible to put all
14 the pain and suffering that I experienced as a child in a
15 letter, so I'm just going to concentrate it so it can just be
16 condensed.

17 It all started when I was very young. I learned that
18 I had photographic memory, which my mom had me tested for. So
19 everything single thing that I seen from pornography, from
20 arguments, from role play situations in pornography, from movies
21 and TV, from my observations of what my parents did and what
22 I've seen, it stuck with me all my life. And the biggest reason
23 why I didn't tell anybody about my multiple abuses, physical
24 abuse, mental and emotional abuses is because I didn't love
25 myself as a child. And he felt that if I didn't love myself,

1 then nobody else would love me. I felt it was impossible to
2 change who I was, to change how I felt about myself. So that's
3 the reason I never told anybody about it.

4 I was abused from elementary school to high school
5 sexually, emotionally, physically and mentally. And it really
6 pains me severely that I hurt people in similar ways that I was
7 hurt as a child and I'm extremely, extremely sorry for all my
8 transgressions in this matter. I'm sorry, everyone. Thank you.

9 THE COURT: Thank you, sir.

10 Mr. Bell, I would like to begin by making the
11 observation, of course, that we're in court today to deal with
12 the sentencing in a case where there are no winners and a lot of
13 people who lost an awful lot.

14 It is difficult for parents, I'm sure, to be in court
15 as your parents are to wait to see what the sentence will be for
16 their son. They have acknowledged what happened when you were
17 growing up that at times they didn't know about and at times
18 they were responsible for.

19 Not in the court today, of course, are the parents of
20 the 42 victims who will themselves go through life with the same
21 challenges and fears and anxieties and self-doubt and
22 self-loathing that you yourself went through. And that is one
23 of the remarkably tragic ironies of the fact that it is not
24 unusual when sentencing someone for child pornography and abuse
25 crimes to hear that they had that same conduct in their own

1 behavior.

2 I want to focus on the first factor that I'm required
3 to consider here, which is the nature and consequences of the
4 offense, which is also the dangerousness to the community. It's
5 hard today to imagine if you are someone of my age and
6 generation the vast array of dangers that children in our
7 society face that they didn't face when I was growing up.

8 This last weekend, hundreds of thousands of young
9 members of our community came from where they live to be heard
10 about one area of danger and concern that they have going to
11 school. I went to a lot of schools growing up because my father
12 was in the Army. I lived all over the world and I know there
13 was never a time I had to worry about being shot when I went to
14 school.

15 There are challenges now because we live in a
16 environment where everyone, almost everyone is constantly using
17 and focusing on electronic media. And while there are many
18 things that electronic media can do to provide us with
19 information we couldn't get before and to open doors and to do
20 good, there's a very dark side of social media as well and it
21 allows individuals to be contacted anonymously by people who are
22 sometimes not what they purport to be, who are doing so for
23 purposes of trying to manipulate and victimize those who think
24 that they are sophisticated, but are really very vulnerable.

25 And the use of these social media and other devices

1 and the risk that they can involve is another challenge and a
2 risk that young people today have to deal with that no other
3 generation before them has really had to struggle with. And
4 that's on top of all the other things that they deal with as
5 kids; exposure to substance abuse, alcohol abuse, problems at
6 home.

7 When you take that and you put an overlay on them in
8 terms of the kinds of conduct here and you underscore that
9 conduct by the fact that the individual who is responsible for
10 doing it was a person connected with their school, charged with
11 their protection and their development, it is hard not to
12 imagine that there are 42 young members of the Charles County
13 community who have been sentenced to life sentence of trying to
14 deal with the consequences of what was done to them by someone
15 who they had every right and expectation to be able to trust.
16 And that is a -- that is really a betrayal, sir.

17 The conduct, as I read now from the Statement of
18 Facts, included assuming an online identity of a minor male or
19 female to solicit minors to provide videos of themselves
20 engaging in sexual conduct; sexualizing young children before
21 they're at a point when they have any way of understanding what
22 that activity and what that aspect of life means. Convincing
23 minors that they're going to be inducted into a gang and
24 striking them as a form of violent initiation into a gang.
25 Providing them with alcohol, controlled substances prior to

1 producing images of their being sexually exploited.
2 Surreptitiously recording them engaging in sex acts with
3 themselves and others and with devices that were provided to
4 them.

5 And on top of that, having actual anal and oral sexual
6 activity with some of these victims at a time when you knew that
7 you yourself had HIV, which although I guess through the mercies
8 of modern medicine is not the definite death sentence that it
9 was 20 years ago is a concern now that these young victims will
10 have to deal with on top of everything else.

11 They're not equipped to deal with this, as I will give
12 you the benefit of the doubt saying that you yourself was not
13 equipped to do so. And I fear and wonder whether 20 or 30 years
14 from now in some other courtroom some other judge will look down
15 at one of them and have the unenviable task as I have today of
16 pronouncing a sentence on them and hear them say, well, I lived
17 in Charles County when I grew up. And there was this coach,
18 there was this leader and here's what happened.

19 We don't really know from those 42 victims what they
20 feel. We know from the mom of one of them, Jane Doe, and she
21 can't be here today because if she were here then the community,
22 the small community and tight community and proud community of
23 Charles County would be able to figure out pretty quickly that
24 she wasn't here just because of idle curiosity.

25 I can't tell you what the other 41 victims would say,

1 but I can tell you what Victim Number One's mom says of him.

2 She's noticed a change in his behavior and his
3 attitudes. For three years he's been anxious and angry,
4 cautious and fearful, his grades have suffered. He's in a
5 therapy program beginning when he was in the seventh grade and
6 his behavior has continued to deteriorate and get worse.

7 He is seeing a psychiatrist. He's taking medication
8 to try to give him some measure of comfort. He's got anger
9 spells, anxiety, mood disorders, tension, post-traumatic stress
10 disorder.

11 You spoke of how when you were a child you behaved in
12 ways because you did not love yourself and could not imagine
13 anyone loving you. I wonder whether if we had him here today to
14 ask him, Victim One would tell us that he loved himself. I
15 suspect his answer would be the same that yours was.

16 She has found that there are times when she comes
17 home, he's isolated himself. He goes in his room and locks the
18 door. He won't eat. He won't talk to his mom, tell them what's
19 bothering him. He's very protective and cautious of his younger
20 siblings and he's constantly worried and anxious.

21 He is confused about his sexuality. He doesn't want
22 his peers to understand this. You know, children at times, they
23 can be very precocious and funny and delightful, but they can be
24 cruel and vicious. And just imagine a young man at this age in
25 high school where peer pressure and the comments of others can

1 be so, so vicious and hurtful if this was out there. And so
2 he's petrified that he going forward in life will be attracted
3 to the same kind of behavior that was done to him.

4 Now, as would happen to any parent, when she realized
5 what happened, she now has her own overlay of problems. She
6 blames herself. She's had problems with her professional career
7 because she's had to take time from the development of that to
8 take care of her child and her own emotional, mental health has
9 suffered. And she doubts whether he'll ever be able to have a
10 healthy social life with other people.

11 She takes her son to the doctor every six months to
12 get HIV and STD tests. And at night as she waits for those test
13 results, she finds herself in a particular hell that only a
14 parent can be in when they wait to get those results.

15 I don't doubt that you suffered when you were a child
16 and I will never live long enough to understand why it is that
17 people who suffered it in that way turn around to suffer or
18 cause others to suffer the same way, but they do and you did.

19 And it seems to me that in this particular case, the
20 sentencing factor which is most significant to me is the need to
21 protect the community, to protect those who were the victims to
22 impose a sentence that recognizes the impact that these acts had
23 on their lives and will have on their lives forever.

24 Like you, they too were sentenced at a age when they
25 were sentenced to a life, a life of being imprisoned in the

1 memories of the events that occurred to them. And they'll
2 never, ever, ever get probation or early release from those
3 sentences.

4 So, I need to impose a sentence that will protect the
5 public, that will take into consideration the seriousness of
6 this offense and what it represented, the number of folks that
7 were victims, the aggravating factors that it was done by you
8 when you knew that they, that they -- that you were HIV
9 positive.

10 Mr. Crawford has argued skillfully and persuasively on
11 your behalf and you are fortunate to have had him as an
12 attorney. He said and I wrote this down when he said it, "No
13 one lost their lives." I'm not sure the parents of those kids
14 would agree with that. I'm not sure those kids themselves would
15 agree with that, Mr. Bell. I think that they would say that
16 they did lose their lives; their lives, their innocence, their
17 hope, their faith in their schools and their teachers and their
18 parents. So, I'm not sure with respect that I can agree with
19 that observation by Mr. Crawford.

20 I've looked at the Presentence Report. I know what
21 your history and characteristics are. I've taken them into
22 consideration and I think that the proper way to deal with that
23 is through recommendations as for treatment during the period of
24 your incarceration and as conditions of supervised release as
25 recommended by the Presentence Report.

1 I have been a judge for over 21 years and I have never
2 had a sentence to impose that had the potential for being this
3 long of a sentence. There are some who litigate the issue of
4 death penalty cases in the federal courts and they refer to as
5 life imprisonment with no possibility of parole as death by
6 imprisonment. And certainly the sentence that's being
7 recommended by the government of 150 years in the federal system
8 where there's is no parole is nothing short of death by
9 imprisonment. And that is a very severe sentence, indeed, and
10 should never be imposed without the most careful consideration
11 and difficult, frankly, struggle.

12 I will tell you that however much the abuse that you
13 suffered as a child is something that is relevant to my
14 sentencing consideration and it's properly considered, when a
15 person becomes of an age where they are an adult and they can
16 seek help and they can try to take action to deal with their own
17 demons and they are in a position of authority and are charged
18 with taking care of young persons in our society, then while
19 they their past is something that defines who they are, it is
20 not an excuse for their behavior.

21 The psychological report that was provided to me this
22 morning from Anne Arundel Counseling indicates, as Mr. Crawford
23 pointed out, on the final page that the sexual adjustment
24 history revealed a high risk range. And when I asked him, he
25 confirmed that it meant a high risk of offending.

1 I have to consider a sentence that will guard against
2 the possibility that an early release would allow you back into
3 the community, even under supervised release in a way where you
4 might be a high risk of reoffending. And so that -- the factors
5 that to me are most important are the history and
6 characteristics of the offense, the need to protect the public,
7 a sentence that promotes respect for the law.

8 What can we do? We can't go back in time and undo the
9 acts that these children will face the memories of for the rest
10 of their lives. So what do we do when we find we must sentence
11 people for these acts? We must act in a way that imposes a
12 sentence that while no comfort otherwise to these victims
13 recognizes the severity of what they've suffered. Anything less
14 than that would be adding insult to injury.

15 And for that reason I impose the following sentence,
16 which I have carefully considered and believe to be sufficient
17 but not greater than necessary to achieve the goals of
18 18 U.S. Code Section 3553.

19 For Count One, I sentence you to 15 years
20 imprisonment, which is the mandatory minimum period.

21 For Count Two, I sentence you to 15 years imprisonment
22 consecutive to Count One.

23 For Count Three, I sentence you to 15 years
24 imprisonment consecutive to Count Two.

25 For Count Four, I sentence you to 15 years

1 imprisonment consecutive to Count Three.

2 For Count Five, I sentence you to 15 years
3 imprisonment consecutive to Count Four.

4 For Count Six, I sentence you to 15 years imprisonment
5 consecutive to Count Five.

6 For Count Seven, I sentence you to 15 years
7 imprisonment consecutive to Count Six. Those consecutive
8 sentences total 105 years.

9 For Counts Eight, Nine and Ten, I sentence you to 15
10 years each to run concurrently with each other and with Count
11 Seven, which means that I am sentencing you to a total period of
12 imprisonment of 105 years.

13 I am aware that that's a life sentence and I -- and I
14 do that with great sadness when I realize what that means for
15 you and for those people who have spoken on your behalf. But I
16 believe that any sentence that's less than that would send a
17 signal that what these 42 victims have suffered is not something
18 that has to be acted against with the greatest of forcefulness
19 with the tools available to us. Otherwise, it is one more
20 victimization of what they will suffer and then the judge
21 treated this as if it was a traffic offense.

22 I will place you on supervised release, if supervised
23 release ever becomes a reality -- it's hard to imagine that it
24 will with 105 years sentence -- for the rest of your life, each
25 count to run concurrently.

1 I agree with each of the supervised release conditions
2 that were recommended by the Presentence Report which began at
3 page 26 and 27. They include participating in substance abuse
4 treatment; substance abuse testing; mental health treatment;
5 participating in a sex offense specific assessment;
6 participating in a sex offense treatment program; allowing the
7 probation officer to install computer monitoring software on any
8 computer that you might use; to allow the probation officer to
9 conduct periodic initial -- unannounced searches; prohibiting
10 contact with any child under the age of 18 without permission of
11 your probation officer; prohibiting you from going to or
12 remaining at a place where children are known to congregate; not
13 going or remaining in any place for the primary purpose of
14 observing or contacting children under 18; not communicating in
15 any way or responding to any communication of the victims in
16 this case; and not using photography or surveillance equipment
17 or any other similar devices without first obtaining the
18 permission of the probation officer.

19 I will not impose a fine because you will have no
20 ability pay it. There will be a \$100 special assessment for
21 each count, which totals a thousand dollars to be paid as
22 directed by the probation department.

23 I will recommend that you be housed at Fort Dix, that
24 while you are incarcerated that you receive mental health
25 evaluation and treatment which is recommended by your own

1 psychological evaluation and if available and you qualify, sex
2 offender treatment.

3 And I am going to also order consistent with the joint
4 request of your attorney and the United States Attorneys' office
5 that this agreement as to primary jurisdiction over the
6 defendant be attached to the Judgment of Conviction and be part
7 of that so that it can memorialize the agreement between the
8 State's Attorneys office for Charles County, Maryland and the
9 United States Attorneys' office.

10 So, I'm giving that to you, Shante, for that purpose.

11 And that is the sentence of this Court. I will
12 prepare a Judgment of Conviction this week. If you believe that
13 there's any right that you have to appeal that has not been
14 waived by the Plea Agreement, you must notice that appeal within
15 14 days of the entry of the Judgment of Conviction or if the
16 United States should enter an appeal, within 14 days of the
17 entry of appeal by the United States.

18 Mr. Hagan, is there -- are there any outstanding
19 charges that need to be addressed at this time, sir?

20 MR. HAGAN: There are not, Your Honor.

21 THE COURT: Is there anything further that the
22 United States believes needs to be addressed at this time?

23 You're going to give me the restitution agreement that
24 I will sign once I get it.

25 MR. HAGAN: Yes, sir.

1 THE COURT: All right. Anything further from the
2 United States?

3 MR. HAGAN: No, Your Honor.

4 THE COURT: Anything further, Mr. Crawford?

5 MR. CRAWFORD: Just a couple of notes quickly, Your
6 Honor. I understand that there may be issues with incorporating
7 this in the order, but any sentence -- would the Court consider
8 any language indicating any sentence the state gives in this
9 situation is to run concurrent? I know there's certain issues
10 with that as far as the language, but I understand the
11 government is not opposed to that.

12 THE COURT: Here is the --

13 Mr. Hagan, you want to be heard on that?

14 MR. HAGAN: I have no opposition to a sentence running
15 concurrent.

16 THE COURT: That this sentence be ordered to run
17 concurrently with any state sentence imposed by Charles County
18 with respect to the specific case referenced in the agreement?

19 MR. HAGAN: No objection to that request, Your Honor.

20 THE COURT: Okay. I will enter that. So that this
21 sentence -- let me say in the PSR that this sentence will run
22 concurrently with any sentence imposed by Circuit Court for
23 Charles County.

24 And, Shante, we need to specifically refer to the case
25 number that is in that agreement that I just gave you.

1 So I will order that, sir.

2 MR. CRAWFORD: Thank you, Judge. I think the
3 restitution is addressed. The only other issue would be the
4 electronic equipment, I believe, he's waiving. Understand
5 counsel will do an order for that --

6 THE COURT: I'm sorry, on the Forfeiture Order.

7 MR. CRAWFORD: Forfeiture, right.

8 THE COURT: Have you prepared a Forfeiture Order as
9 well?

10 MR. HAGAN: We have, Your Honor. On my way to court
11 today, I realized that some of the items were incorrect.

12 THE COURT: So I will get both the Restitutionary
13 Order and a Forfeiture Order from you?

14 MR. HAGAN: The Restitutionary Order was filed
15 yesterday, Your Honor. I will submit another copy to the Court.

16 THE COURT: Let me -- I don't know that I got it, that
17 there was an order with that. I got a motion for a
18 restitution --

19 Is there a Restitution Order on the docket?

20 THE DEPUTY CLERK: No, Your Honor.

21 THE COURT: We don't have an order. So if you do, if
22 you file something, I need to have an order to be able to sign
23 off on.

24 All right. If it's nothing further at this time, then
25 we're in recess.

(Recess at 10:50 a.m.)

* * *

CERTIFICATE OF COURT REPORTER

I, Linda C. Marshall, certify that the foregoing is a correct transcript of the record of proceedings in the above-entitled matter.

/s/

Linda C. Marshall, RPR
Official Court Reporter

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